

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of MADISYN RANGEL, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

SARAH RANGEL,

Respondent-Appellant.

UNPUBLISHED

August 10, 2006

No. 268172

Bay Circuit Court

Family Division

LC No. 05-008665-NA

Before: Whitbeck, C.J., and Hoekstra and Wilder, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(b)(i), (b)(ii), (c)(i), and (j).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Once this has occurred, the trial court must terminate parental rights unless it finds that termination is clearly not in the best interests of the child. *Id.* at 365. This Court reviews a trial court's decision to terminate parental rights under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Respondent's one-month-old son Bryce was taken to the hospital with severe injuries. Medical witnesses testified that the infant appeared to have sustained multiple blows to the face and body, and had also suffered brain injuries from more than one battery. Respondent and the baby's father asserted that their daughter Madisyn, who was then 20 months old, caused the injuries to Bryce. However, the medical witnesses discounted this theory, testifying that only an adult could have caused the injuries. Respondent and the child's father acknowledged being the

¹ We note that the trial court also terminated the parental rights of Madisyn's father, Gabriel Rangel. He appealed the order but died while his appeal was pending. Respondent's parental rights to her newborn son, Bryce, were terminated a few months earlier, but she has not appealed that order.

infant's sole caretakers, and no evidence pointed to any other possible perpetrators of the abuse. Based on the above testimony, the trial court did not clearly err in finding that one or both of the parents physically abused the newborn baby. The parents lived together when the injuries occurred and remained a couple throughout the pendency of the case. Their denial of any knowledge of the source of the child's injuries indicates a reasonable likelihood that the minor child at issue in this appeal would suffer injury in the foreseeable future.

The condition that led to adjudication was the above injuries to newborn Bryce. Both children were removed from their home, and the court ordered that the parents accept services in order to confront the issues of battery and failure to protect. The court subsequently terminated both parents' parental rights to Bryce, and ordered that both attend counseling to address the issue of Bryce's abuse. The trial court stated that it would give them time to "explore" this issue in therapy before deciding the issue of permanency for Madisyn. Respondent argues that the trial court clearly erred in terminating her parental rights to Madisyn because she completed the requirements of the case service plan in a short amount of time. We acknowledge that respondent completed the psychological evaluation and attended parenting classes. However, she did not fully participate in individual therapy or address the issue of her son's injuries, as ordered by the court. Although respondent addressed issues relating to her depression and coping skills, she failed to provide any insight into the baby's injuries. Given her reluctance to address the issue of Bryce's abuse during months of therapy, the trial court did not err finding that the condition that led to adjudication continued to exist and would not be rectified within a reasonable time considering Madisyn's young age.

Furthermore, termination of respondent's parental rights was not clearly against Madisyn's best interests. MCL 712A.19b(5). At the time of the termination hearing, respondent was not able to provide the child with a safe environment. Not only did she fail to address her son's injuries at their counseling sessions, parenting time with her daughter was suspended because of positive and diluted drug screens. Based on the above evidence, the trial court did not clearly err in terminating respondent's parental rights to Madisyn.

Affirmed.

/s/ William C. Whitbeck

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder